

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

v.

GARRETT GORDON GOODBEE

* CRIMINAL DOCKET NO. : 10-073

* SECTION: “ J ”

* VIOLATION: 18 U.S.C. § 641

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* * *

FACTUAL BASIS

The defendant, Garrett Gordon Goodbee (herein after referred to as defendant or Goodbee), has agreed to plead guilty as charged to the single count Bill of Information charging the defendant with theft of government funds in violation of Title 18, United States Code, Section 641.

Should this matter have gone to trial, the government would have proven, through the introduction competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

The Government would submit a copy of an online application from the files of ICF International, Inc, the administrators of the Louisiana Road Home Program for the Office of

Community Development, Division of Administration for the State of Louisiana demonstrating that the defendant, Garrett Gordon Goodbee, made application on November 21, 2006 to obtain a Louisiana Road Home Grant for his damaged primary residence at 5825 Argonne Boulevard, New Orleans, Louisiana 70124. In the application, the defendant falsely and fraudulently represented this property was his primary residence on the date Hurricane Katrina hit New Orleans, August 29, 2005. This application was given File Number 06HH100660. Evidence would demonstrate that the defendant and his wife purchased a vacant lot at 5825 Argonne Boulevard, New Orleans, Louisiana in 2004 for the purpose of constructing a family home. At the time Hurricane Katrina hit the New Orleans area, the structure was under construction. The structure was completed and this address became the primary residency of the defendant and his family in December 2007.

An employee of the Louisiana Road Home Program would testify that on or about December 5, 2006, File Number 06HH100660 demonstrated she personally reviewed the online application with Garrett and Courtney Goodbee at the offices of the Louisiana Road Home Program located at 8181 Goodwood Boulevard, Baton Rouge, Louisiana. This individual would state she had a standard speech she gave to each applicant when it came to the question on the application regarding whether the listed damaged property was the primary residency of the applicant. She would tell each applicant that the primary residency meant the house they occupied the majority of the time at the time of Hurricane Katrina. It would be the home where their mail was delivered, they keep their clothes and not a second home of any sort. Further, she stated if the defendant had told her the damaged residency was not completed at the time of the storm, he stayed there occasionally overnight, that neither his wife or children lived at that home and it was his intent to move the family

into the home upon its completion after Hurricane Katrina, she would have rejected the application and not sent it on for completion. Since she reviewed the application based on the defendant's representations and the application was approved, she would testify the defendant did not provide her with any of these facts at the time of their face to face meeting to review the Road Home application.

Individuals from the Road Home Program and First American Title Company would testify that on June 6, 2007, the defendant and his wife attended a closing of their Road Home Program Grant application in the New Orleans area. They would testify that they specifically and individually reviewed with all parties present the requirement the Road Home Grant money would only be given to people who's homes were damaged by Hurricane Katrina on August 29, 2005 and the property had to be the applicant's primary residence on that date. In connection therewith, each applicant was required to sign a witnessed notarized affidavit. Nothing in the file indicated at that time that the defendant or his wife provided any information to the closing notary or employees of the Road Home Program that 5825 Argonne Boulevard, New Orleans, Louisiana was not the primary residency of the defendant on the date of Hurricane Katrina. Additionally, the defendant signed a Road Home Program benefit selection form choosing option one which indicated the property was his primary residency on the date of Hurricane Katrina, that he intended to stay in the home and rebuild so he could obtain the maximum benefit of \$105,000. On June 12, 2007, the closing agent for the Louisiana Road Home Program, First American Title Insurance Company, wired Road Home Program Grant funds in the amount of \$104,930 from its account to the account of the defendant at the Whitney National Bank in New Orleans, Louisiana.

A representative of the United States Department of Housing and Urban Development (HUD) would testify that HUD was a department and agency of the United States Government during 2005, 2006 and 2007 through the present. Further, this person would state that as a result of Hurricane Katrina and the damages caused by flooding in the New Orleans area, Congress with the approval of the President of the United States appropriated federal funds to set up a community development block grant program to be administered by the United States Department of Housing and Urban Development for individuals affected in the New Orleans area by flooding caused by Hurricane Katrina. Further, this individual would state that Congress appropriated many billions of dollars to help restore damaged homes in the New Orleans area. HUD rules specifically stated grant funds could only be given to individuals who owned their home in the New Orleans area, the home was damaged by Hurricane Katrina and/or Rita and the home had to be the primary residency of the applicant on the day of the storm. Further this person would state all monies received were federal funds distributed to the Louisiana State Office of Administration which was given by ICF International, Inc to the applicants.

A representative of the State of Louisiana, Office of Administration would testify that this State office was appointed as agent for the United States Department of Housing and Urban Development to administer the community development block grant funds for the Louisiana Road Home Program. This State office was required to follow all rules and regulations of HUD in distributing community development block grant funds. The Office of Administration contracted out with ICF International, Inc. to act as its agent to prepare the Louisiana Road Home Program and

distribute the funds. ICF International, Inc. was specifically required to follow all rules and regulations of HUD to distribute community development block grant funds.

The Government would submit a Federal Emergency Management Agency online application for disaster assistance in the name of Garrett Gordon Goodbee dated September 1, 2005. In that application, the defendant stated the property he was living in at the time of Hurricane Katrina was located at 4428 St. Peter Street, New Orleans, Louisiana.

The Government would submit a United States Small Business Administration Disaster Home Loan application in the name of Garrett and Courtney Goodbee dated January 9, 2006 which stated 4428 St. Peter Street, New Orleans, Louisiana was their primary residency on the date Hurricane Katrina hit New Orleans, Louisiana, August 29, 2005.

A neighbor in the 5800 block of Argonne Boulevard would testify that he had lived in that area for approximately 52 years. Further, the neighbor would testify the home at 5825 Argonne Boulevard was under construction at the time of Hurricane Katrina and the defendant did not move into the home until December 2007.

The Government would submit records from the Permit and Inspection Department of the City of New Orleans as well as testimony of various inspectors. They would indicate a final mechanical inspection of the property did not occur until January 28, 2008. Additionally, Entergy would testify the gas meter was not installed until January 18, 2008. Further as a result of this inspection occurring after Hurricane Katrina, there would have been no air conditioning or hot water to the property before August 29, 2005. An electrical inspector would testify an electrical permit was not issued until July 13, 2006 and a final electrical inspection did not occur until October 22, 2007.

This individual would state since an electrical permit was not filed before July 13, 2006, there would have been no sheetrock or insulation installed at the time of Hurricane Katrina. A building inspector would testify a final framing inspection was done on August 12, 2005, approximately 17 days before Hurricane Katrina. At that time, it was noted that all the walls were open, there was no sheetrock, flooring, cabinets, fixtures or air-conditioning in place and no working plumbing.

A representative of the New Orleans Sewerage and Water Board Department would testify their records indicated that on or about October 2004, the sewerage and water service for 5825 Argonne Boulevard, New Orleans, Louisiana were terminated. Permit and inspection information indicated that an in wall inspection was performed on May 24, 2006 and a final inspection was done on February 12, 2008. Further, he would state there was no sewerage or water services to 5825 Argonne Boulevard, New Orleans, Louisiana during the year 2005.

The Government would submit a sworn deposition of the defendant, Garrett Gordon Goodbee, in the matter of 24th Judicial District Court, Parish of Jefferson, State of Louisiana, *Garrett Goodbee v. J.P. and State Farm Insurance Co.*, Case No. 2006-8303, Division K. This deposition was taken under oath on June 21, 2007. The matter involved a Hurricane Katrina claim against State Farm Insurance Company arising out of Hurricane Katrina damages. In the deposition, the defendant stated he had lived at 4428 St. Peter Street, New Orleans, Louisiana since approximately 1992. Additionally, he stated that he had lived there the entire time with his wife and later on with his two children after they were born. He stated he purchased a vacant lot at 5825 Argonne Boulevard, New Orleans, Louisiana in October 2004. At the time of Hurricane Katrina, the house at 5825 Argonne Boulevard, New Orleans, Louisiana was still under construction and he

did not live at that property at the time of the Hurricane. Further, in the deposition the defendant stated that when he evacuated he did so with his wife and children from their home to the Baton Rouge area.

A neighbor who lived in the 4400 block of St. Peter Street, New Orleans, Louisiana would testify that at the time of Hurricane Katrina, Garrett and Courtney Goodbee were residing at 4428 St. Peter Street, New Orleans, Louisiana with their two children.

GARRETT GORDON GOODBEE (Date)
Defendant

JONATHAN P. LEMANN (Date)
Attorney for Defendant

MARVIN OPOTOWSKY (Date)
Assistant United States Attorney